

EXHIBIT 4



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Transcript of Rodrigo Ramos

Date: March 22, 2017

Case: Bolton -v- The Sheriff of Cook County, et al.

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Transcript of Rodrigo Ramos
Conducted on March 22, 2017

1 (1 to 4)

<p>1 UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4 -----X</p> <p>5 LITROY BOLTON, :</p> <p>6 Plaintiff, :</p> <p>7 v. :</p> <p>8 THE SHERIFF OF COOK :</p> <p>9 COUNTY, individually and :</p> <p>10 in his official capacity; :</p> <p>11 COOK COUNTY; DR. NNEKA :</p> <p>12 JONES TAPIA; : Case No. 16 CV 5012</p> <p>13 (Caption continued on next page)</p> <p>14</p> <p>15 Deposition of RODRIGO RAMOS</p> <p>16 Chicago, Illinois</p> <p>17 Wednesday, March 22, 2017</p> <p>18 2:03 p.m.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Job No.: 139309</p> <p>23 Pages: 1 - 84</p> <p>24 Reported by: Tiffany M. Pietrzyk, CSR RPR</p>	<p>3</p> <p>1 Deposition of RODRIGO RAMOS, held at the</p> <p>2 location of:</p> <p>3</p> <p>4 LOEVY & LOEVY</p> <p>5 311 North Aberdeen, 3rd Floor</p> <p>6 Chicago, Illinois 60607</p> <p>7 (312) 243-5900</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Pursuant to notice before Tiffany M. Pietrzyk, a</p> <p>14 Certified Shorthand Reporter, Registered</p> <p>15 Professional Reporter, and a Notary Public in and</p> <p>16 for the State of Illinois.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>2</p> <p>1 (Caption continued from previous page)</p> <p>2 DR. NNEKA JONES TAPIA, :</p> <p>3 individually and in her :</p> <p>4 official capacity as :</p> <p>5 Executive Director of the :</p> <p>6 Cook County Department of :</p> <p>7 Corrections; JAMES CIUKAJ; :</p> <p>8 Correctional Officers :</p> <p>9 MIGUEL ORTIZ, RODRIGO :</p> <p>10 RAMOS, CODY LETTIERE, :</p> <p>11 CHRISTOPHER IVORY and :</p> <p>12 UNKNOWN EMPLOYEES OF COOK :</p> <p>13 COUNTY JAIL; Internal :</p> <p>14 Affairs Investigator :</p> <p>15 JUAN F. DIAZ; Internal :</p> <p>16 Affairs Investigator :</p> <p>17 ESTHER MONTANEZ; UNKNOWN :</p> <p>18 EMPLOYEES OF COOK COUNTY; :</p> <p>19 UNKNOWN EMPLOYEES OF THE :</p> <p>20 OFFICE OF PROFESSIONAL :</p> <p>21 REVIEW OF THE COOK COUNTY :</p> <p>22 SHERIFF'S OFFICE; :</p> <p>23 Defendants. :</p> <p>24 -----X</p>	<p>4</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF:</p> <p>4 VINCENZO FIELD, ESQUIRE</p> <p>5 LOEVY & LOEVY</p> <p>6 311 North Aberdeen Street</p> <p>7 3rd Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 (312) 243-5900</p> <p>10</p> <p>11 ON BEHALF OF THE DEFENDANTS:</p> <p>12 MEGAN MCGRATH, ESQUIRE</p> <p>13 COOK COUNTY STATE'S ATTORNEY'S OFFICE</p> <p>14 500 Daley Center</p> <p>15 50 West Washington Street</p> <p>16 Chicago, Illinois 60602</p> <p>17 (312) 603-5967</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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2 (5 to 8)

5	7
1 APPEARANCES CONTINUED	1 PROCEEDINGS
2	2 (Witness sworn.)
3 ON BEHALF OF THE DEFENDANTS:	3 WHEREUPON:
4 JOHN C. COYNE, ESQUIRE	4 RODRIGO RAMOS,
5 LAW OFFICE OF JOHN C. COYNE	5 called as a witness herein, having been first duly
6 53 West Jackson Boulevard	6 sworn, was examined and testified as follows:
7 Suite 1750	7 DIRECT EXAMINATION
8 Chicago, Illinois 60604	8 BY MR. FIELD:
9 (312) 583-9500	9 Q. Officer, could you please state and spell
10	10 your name for the record?
11	11 A. Yes. Rodrigo Ramos, R-o-d-r-i-g-o; last
12	12 name is R-a-m-o-s.
13	13 Q. Thank you. Officer Ramos, have you been
14	14 deposed before?
15	15 A. No.
16	16 Q. This is the first time?
17	17 A. Yes.
18	18 Q. So I'm going to go through the basic ground
19	19 rules so we can get through this as quickly as
20	20 possible. I'll ask you that let me finish asking my
21	21 questions before you start answering, and I will
22	22 likewise let you finish answering before I ask
23	23 another question. That way the court reporter can
24	24 get everything down.
6	8
1 CONTENTS	1 In the same way, when you're answering a
2 EXAMINATION OF RODRIGO RAMOS PAGE	2 question, if you could give an oral, verbal answer
3 Direct Examination 7	3 rather than nodding your head or saying uh-huh, that
4 By Mr. Field	4 way again the court reporter gets your answers down.
5 Cross-Examination 78	5 It's easier to understand what someone is saying
6 By Mr. Coyne	6 when they use words rather than nodding their head.
7	7 It's impossible to get in a deposition.
8 EXHIBITS	8 I'm going to assume that you understand my
9 (Retained by counsel.)	9 questions if you answer them; so please, if what I'm
10 EXHIBITS PAGE	10 asking you isn't clear or, you know, it doesn't make
11 Group Exhibit 1 Use-of-Force Form 54	11 sense for some reason, just let me know. I'm happy
12 Group Exhibit 2 General Order 57	12 to rephrase the question or try to explain to you
13	13 what it is that I'm asking.
14	14 And if you need a break at any time, just
15	15 let me know. We can take a break. I would just ask
16	16 you to answer any pending question before we take
17	17 that break.
18	18 Does all of that make sense to you?
19	19 A. Yes.
20	20 Q. Okay. Did you review any documents in
21	21 preparation for your deposition today?
22	22 A. I did.
23	23 Q. What documents did you review?
24	24 A. My incident and use-of-force report.

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3 (9 to 12)

9	<p>1 Q. You mean the report related to the incident</p> <p>2 with Mr. Bolton; is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Any other documents besides that document?</p> <p>5 A. No.</p> <p>6 Q. Did you review any policy documents?</p> <p>7 A. No.</p> <p>8 Q. What is your -- you're currently employed at</p> <p>9 the Cook County Jail, correct?</p> <p>10 A. Yes, I am.</p> <p>11 Q. What is your current position at the jail?</p> <p>12 A. Correction officer.</p> <p>13 Q. How long have you been a correctional</p> <p>14 officer at the jail?</p> <p>15 A. Four years.</p> <p>16 Q. And are you full-time?</p> <p>17 A. Yes, I am.</p> <p>18 Q. Have you been full-time for the full four</p> <p>19 years?</p> <p>20 A. Yes.</p> <p>21 Q. Previous to starting as a corrections</p> <p>22 officer at the jail, did you hold any other position</p> <p>23 at Cook County Jail?</p> <p>24 A. No.</p>	11
10	<p>1 Q. Have you worked at any other jail or prison?</p> <p>2 A. No.</p> <p>3 Q. Were you employed previous to starting at</p> <p>4 the jail?</p> <p>5 A. Yes.</p> <p>6 Q. Where were you employed?</p> <p>7 A. American Airlines.</p> <p>8 Q. What was your position at American Airlines?</p> <p>9 A. Ramp service.</p> <p>10 Q. Say that again. Sorry.</p> <p>11 A. Ramp service, fee service clerk.</p> <p>12 Q. And how long did you do that job?</p> <p>13 A. 16 years.</p> <p>14 Q. 16 years. Okay. Was that full-time?</p> <p>15 A. Yes.</p> <p>16 Q. Any full-time employment previous to that?</p> <p>17 A. No.</p> <p>18 Q. Where did you go to high school?</p> <p>19 A. Kelvyn Park.</p> <p>20 Q. And you graduated from that high school?</p> <p>21 A. Yes.</p> <p>22 Q. What year was that?</p> <p>23 A. '94.</p> <p>24 Q. Did you do any college after high school?</p>	12
9	<p>1 A. I did.</p> <p>2 Q. Where did you go to college?</p> <p>3 A. UIC and Triton College.</p> <p>4 Q. Did you say Trenton?</p> <p>5 A. Triton College.</p> <p>6 Q. Sorry. What years were you at UIC?</p> <p>7 A. '94 to '95.</p> <p>8 Q. And what about Triton College?</p> <p>9 A. Just a semester.</p> <p>10 Q. Just one semester. Do you recall what year</p> <p>11 that was in?</p> <p>12 A. '95.</p> <p>13 Q. Any other colleges or anything like that</p> <p>14 besides the two that you mentioned?</p> <p>15 A. Moraine Valley, just for the academy.</p> <p>16 Q. My understanding is that you can get college</p> <p>17 credits through the academy; is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. And how many credits have you gained through</p> <p>20 the academy?</p> <p>21 A. 32.</p> <p>22 Q. Any certificates of any kind whether or not</p> <p>23 it's as part of a college degree?</p> <p>24 A. No.</p>	11

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4 (13 to 16)

<p>13</p> <p>1 Q. Is it a whole week?</p> <p>2 A. Yes, it is.</p> <p>3 Q. How long is the component on</p> <p>4 use-of-force review?</p> <p>5 A. Couple of hours.</p> <p>6 Q. And what does that training consist of?</p> <p>7 A. Basically, going through a graph that we</p> <p>8 have and showing us -- pretty much for the report</p> <p>9 writing basically. It's, like, a chart we go</p> <p>10 through, so knowing what steps we can take as far as</p> <p>11 the writing report.</p> <p>12 Q. So do you review the actual</p> <p>13 use-of-force report itself during the training?</p> <p>14 A. Examples of use of force.</p> <p>15 Q. Okay. Examples of a form?</p> <p>16 A. Yeah.</p> <p>17 Q. What about beyond just how the form should</p> <p>18 be filled out? What else does the training consist</p> <p>19 of?</p> <p>20 A. That's pretty of much it.</p> <p>21 Q. Do you go over what level of force is</p> <p>22 appropriate based on what the detainee or inmate</p> <p>23 is -- what actions they're taking?</p> <p>24 A. Yes.</p>	<p>15</p> <p>1 situations, what steps to take when you have a --</p> <p>2 either a fight or a hostile detainee.</p> <p>3 Q. When you say what steps to take, you mean in</p> <p>4 order to put handcuffs on the person?</p> <p>5 A. Yeah, how to handcuff them or how to</p> <p>6 initiate contact with the inmate.</p> <p>7 Q. When you say how to initiate contact, can</p> <p>8 you explain what you mean by that?</p> <p>9 A. How to approach an inmate in a situation</p> <p>10 depending what -- what the situation occurs. If</p> <p>11 it's a fight, they'll show us how to handle a fight.</p> <p>12 Or if we have an inmate that's refusing to handcuff</p> <p>13 or enter his cell, they'll show us how to deal with</p> <p>14 that situation.</p> <p>15 Q. Okay. Fair to say that you're taught that</p> <p>16 there are different ways to respond to different</p> <p>17 threats; is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Do you practice at this training the</p> <p>20 different ways to respond based on the threat</p> <p>21 presented?</p> <p>22 A. Yes.</p> <p>23 Q. You testified -- I think you said you've</p> <p>24 been a corrections officer for four years; is that</p>
<p>14</p> <p>1 Q. Does the Cook County Jail have a written</p> <p>2 policy on use of force?</p> <p>3 A. Yes, they do.</p> <p>4 Q. Do you have to review that written policy as</p> <p>5 part of the training?</p> <p>6 A. I'm not sure, to be honest.</p> <p>7 Q. Is there a requirement that you sign off in</p> <p>8 any way on that training that you do once a year?</p> <p>9 A. No.</p> <p>10 Q. When was the last time that you did this</p> <p>11 annual training?</p> <p>12 A. Last year in June, June of 2015 -- 2016.</p> <p>13 I'm sorry.</p> <p>14 Q. So will you do the training again in June of</p> <p>15 this year?</p> <p>16 A. September of this year.</p> <p>17 Q. Where is the training held?</p> <p>18 A. On the compound, Building 2.</p> <p>19 Q. So it's here in Chicago?</p> <p>20 A. Yes.</p> <p>21 Q. You mentioned that there was defensive</p> <p>22 tactics training.</p> <p>23 What does that consist of?</p> <p>24 A. Handcuffing, knowing how to do -- in certain</p>	<p>16</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And in that four-year period, could you</p> <p>4 estimate the number of times you've had to fill out</p> <p>5 a use-of-force report?</p> <p>6 A. Between 30 to 40 times.</p> <p>7 Q. Is there a policy at the jail for when those</p> <p>8 forms are supposed to be filled out?</p> <p>9 A. There is.</p> <p>10 Q. What is that policy?</p> <p>11 A. Whenever there's a fight involved, whenever</p> <p>12 you have take down an inmate, handcuff an inmate.</p> <p>13 That's pretty much --</p> <p>14 Q. And what about for when the officer is</p> <p>15 supposed to fill it out? So I understand that</p> <p>16 there's certain types of incidents that require a</p> <p>17 use-of-force report.</p> <p>18 Is there also a requirement for when, after</p> <p>19 that incident, the form is supposed to be filled</p> <p>20 out?</p> <p>21 A. As a time frame?</p> <p>22 Q. Yeah, exactly.</p> <p>23 A. I believe you have 24 hours to fill one out.</p> <p>24 Q. What is the purpose of the</p>

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5 (17 to 20)

<p>17</p> <p>1 use-of-force report?</p> <p>2 MS. McGRATH: Objection. Form, foundation.</p> <p>3 You can answer.</p> <p>4 A. I'm sorry. She threw me off. Can you</p> <p>5 repeat the question?</p> <p>6 Q. Sure. Based on your understanding with your</p> <p>7 four years of experience as a corrections officer,</p> <p>8 what is your understanding of a use-of-force report?</p> <p>9 A. To describe the situation, the incident that</p> <p>10 occurred.</p> <p>11 Q. And would you agree with me that it's</p> <p>12 important that those forms be filled out accurately?</p> <p>13 A. Yes.</p> <p>14 Q. Would you agree with me that it would be a</p> <p>15 violation of the jail's policies if you didn't fill</p> <p>16 out that form accurately?</p> <p>17 A. Yes.</p> <p>18 Q. Would you agree with me that it's important</p> <p>19 to completely fill out the form?</p> <p>20 A. Yes.</p> <p>21 Q. Would you agree with me that it's a</p> <p>22 violation of the jail's policy not to completely</p> <p>23 fill out the form?</p> <p>24 A. That I wouldn't know.</p>	<p>19</p> <p>1 practice or the policy was that you had 24 hours to</p> <p>2 fill out a use-of-force report after the incident.</p> <p>3 I want to know what your personal practice is.</p> <p>4 You said you've maybe done 30 or 40 of them?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have, kind of, a standard practice?</p> <p>7 A. I try to get them done within 30 minutes of</p> <p>8 the incident.</p> <p>9 Q. So as soon after the incident as you</p> <p>10 possibly can?</p> <p>11 A. Yes.</p> <p>12 Q. Have you ever been disciplined in any way</p> <p>13 for not properly filling out a use-of-force report?</p> <p>14 A. No.</p> <p>15 Q. If the -- well, let me ask it this way: If</p> <p>16 there's been an incident for which you have to fill</p> <p>17 out a use-of-force report and the incident has been</p> <p>18 captured on video, do you review the video before</p> <p>19 filling out the report?</p> <p>20 A. Yes.</p> <p>21 Q. In the incident that's at issue in this</p> <p>22 case, the January 17, 2014, incident with</p> <p>23 Officer Ortiz and Mr. Bolton, are you aware that</p> <p>24 that incident was captured on video?</p>
<p>18</p> <p>1 Q. Have you ever been put -- well, are you</p> <p>2 aware of a program at the jail, an</p> <p>3 early-intervention program for use of force? Have</p> <p>4 you heard of this program before?</p> <p>5 A. I'm sorry.</p> <p>6 Q. Just say it out loud.</p> <p>7 A. No.</p> <p>8 Q. So fair to say then you, yourself, as an</p> <p>9 officer, have never been put in the</p> <p>10 early-intervention use-of-force program?</p> <p>11 A. No. I'm sorry. No, I've never been put</p> <p>12 into the --</p> <p>13 Q. Okay. In the four years that you've been a</p> <p>14 corrections officer, how many</p> <p>15 use-of-force complaints have you had lodged against</p> <p>16 you, if any?</p> <p>17 A. None.</p> <p>18 Q. And you've never -- this is a logical</p> <p>19 follow-up. I think I know the answer.</p> <p>20 You've never received discipline for a</p> <p>21 use-of-force incident in which you were the</p> <p>22 individual complained of as applying that?</p> <p>23 A. I have not.</p> <p>24 Q. You said a minute ago that you thought the</p>	<p>20</p> <p>1 A. I was.</p> <p>2 Q. Did you review that video previous to you</p> <p>3 filling out your use-of-force report?</p> <p>4 A. I did not.</p> <p>5 Q. Why, in this instance, did you not review</p> <p>6 the video?</p> <p>7 A. I was fully aware of the situation that</p> <p>8 occurred. I didn't see a need to see the video.</p> <p>9 Q. But if you had wanted to see the video</p> <p>10 before filling out your use-of-force report, would</p> <p>11 you have been able to do that?</p> <p>12 A. Yes.</p> <p>13 Q. In the 30 or 40 use-of-force reports that</p> <p>14 you testified earlier that you filled out, how many</p> <p>15 times would you say you reviewed video previous to</p> <p>16 filling out the form?</p> <p>17 A. About 80 percent of the time.</p> <p>18 Q. Can you explain what the process is, like,</p> <p>19 where would you have to go to be able to view the</p> <p>20 video, that kind of thing? Who would you make the</p> <p>21 request of?</p> <p>22 A. The lieutenant or sergeant would show me the</p> <p>23 video.</p> <p>24 Q. And would that be at your request, or is it</p>

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6 (21 to 24)

<p>21</p> <p>1 the lieutenant or sergeant that decides to show the 2 video? 3 A. At my request. 4 Q. In the instances in which you reviewed a 5 video previous to filling out your 6 use-of-force report, did you review that video with 7 other officers who were involved in the incident? 8 A. Yes. 9 Q. And in those instances where you did review 10 the video, did you fill out your use-of-force report 11 right after reviewing the video? 12 A. Yes. 13 Q. And did you fill that out -- again, in the 14 instances in which you watched the video and then 15 filled out your use-of-force report after watching 16 it, did you fill out your use-of-force report with 17 the other officers involved in the incident as well? 18 Were they filling out their reports at the same time 19 is what I'm asking. 20 A. If we're next to each other, are you asking 21 this, or is it -- 22 Q. Yeah. Are you in the -- I'm guessing you go 23 somewhere to watch the video. 24 A. Uh-huh.</p>	<p>23</p> <p>1 reviewing the video, were there any instances that 2 involved filling out use-of-force reports by hand? 3 A. Yes. 4 Q. Okay. And in those instances, would you 5 fill those forms out in the watch commander's 6 office? 7 A. No. Wherever we found the space to write 8 them. 9 Q. Okay. And would you be writing those 10 use-of-force reports with other officers or just 11 wherever you could find a space? 12 A. Wherever you could find a space. 13 Q. Would you consult with the other officers in 14 filling out the form? 15 A. If I had a question about filling it out. 16 Q. Okay. Not about the incident? 17 A. Not about the incident. 18 Q. In the 30 to 40 times you've had to fill out 19 a use-of-force report, is there an attempt to make 20 sure that all of the officers' reports are similar 21 to each other? 22 MS. McGRATH: Objection. Form, foundation. 23 A. No. 24 Q. For example, the form contains a number of</p>
<p>22</p> <p>1 Q. Is there a special room that you would do 2 that in? 3 A. Yeah, the watch commander's office. 4 Q. Okay. And then would you fill out your 5 use-of-force report in the watch commander's office 6 with the other officers in that same office? 7 A. No, we wouldn't be able to do that. 8 Q. Why not? 9 A. Because we're using computers to fill out 10 our reports. 11 Q. So currently it's on computer? 12 A. Currently it's on computers that we fill out 13 the reports. 14 Q. Was there a period of time in which you had 15 to fill out the reports by hand? 16 A. Yes. 17 Q. And for the January 17, 2014, incident at 18 issue in this case, you filled out a 19 use-of-force report, correct? 20 A. That's correct. 21 Q. And you filled that one out by hand? 22 A. Yes. 23 Q. So of those cases in which you've had to 24 fill out a use-of-force report and you did so after</p>	<p>24</p> <p>1 check boxes; is that correct? 2 A. That's correct. 3 Q. When you were filling it out by hand? 4 A. Yes. 5 Q. Does the computerized version also have 6 checked boxes, or what does -- 7 A. It does. 8 Q. When you were filling them out by hand, in 9 any of the times that you've had to fill out a 10 use-of-force report, was there ever any attempt to 11 make sure you and the other officers filled out the 12 same boxes? 13 A. I would say no. 14 Q. Well, have you ever asked another officer 15 while you were filling out the form what boxes they 16 were checking off? 17 A. I would have never asked anybody what boxes 18 they're filling out, no. I wouldn't. 19 Q. Has any other officer ever asked you what 20 boxes you were filling out? 21 A. If they have a doubt on what they're filling 22 out, they probably would. 23 Q. But as you sit here today, can you remember 24 any officer asking you what boxes you were checking</p>

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Conducted on March 22, 2017

7 (25 to 28)

<p>25</p> <p>1 off on the use-of-force report?</p> <p>2 A. I have.</p> <p>3 Q. You can remember instances?</p> <p>4 A. Yes.</p> <p>5 Q. What about in the -- well, strike that.</p> <p>6 We'll come back to that in a minute.</p> <p>7 As you sit here today, are you aware of any</p> <p>8 policy at the jail that requires officers to fill</p> <p>9 out use-of-force reports separate from each other?</p> <p>10 A. No.</p> <p>11 Q. Have you ever received any training that</p> <p>12 required you or where it was indicated that you were</p> <p>13 required to fill out a use-of-force report separate</p> <p>14 from the other officers involved in the incident?</p> <p>15 A. No.</p> <p>16 Q. Have you ever received any training that</p> <p>17 required you not to speak to the other officers</p> <p>18 involved in a use-of-force incident about the</p> <p>19 incident itself after it occurred?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of any policy at the jail that</p> <p>22 requires officers involved in a</p> <p>23 use-of-force incident not to speak to each other</p> <p>24 about the use-of-force incident itself after the</p>	<p>27</p> <p>1 A. All three of us were in there.</p> <p>2 Q. And were all three of you filling out the</p> <p>3 report at the same time?</p> <p>4 A. Ivory and myself were. I don't recall</p> <p>5 Officer Ortiz writing the report at the same time.</p> <p>6 Q. Officer Ivory and yourself were writing the</p> <p>7 report at the same time?</p> <p>8 A. Yes.</p> <p>9 Q. Was Officer Ortiz in the room?</p> <p>10 A. I believe so, yes.</p> <p>11 Q. But you're not sure if he was filling out a</p> <p>12 report or not; is that correct?</p> <p>13 A. That is correct.</p> <p>14 Q. You testified a minute ago that you can</p> <p>15 recall instances in which an officer has asked you</p> <p>16 what boxes you were checking off on the form.</p> <p>17 In relation to this incident, do you recall</p> <p>18 if Officer Ivory asked you what boxes you were</p> <p>19 checking off on the form?</p> <p>20 A. I do not recall.</p> <p>21 Q. So it's possible, but as you sit here today,</p> <p>22 you do not remember?</p> <p>23 A. I do not remember.</p> <p>24 Q. When you were in the office on the second</p>
<p>26</p> <p>1 incident has occurred?</p> <p>2 MS. McGRATH: Objection. Form, asked and</p> <p>3 answered.</p> <p>4 A. No.</p> <p>5 Q. For the January 17, 2014, incident that's at</p> <p>6 issue here, do you know if any of the officers</p> <p>7 involved reviewed the video previous to filling out</p> <p>8 their use-of-force reports?</p> <p>9 A. I do not know.</p> <p>10 Q. And when you filled out your</p> <p>11 use-of-force report in this case, do you recall</p> <p>12 where you were?</p> <p>13 A. Yes.</p> <p>14 Q. Where were you?</p> <p>15 A. In second floor west holding.</p> <p>16 Q. Second floor, did you say west holding?</p> <p>17 A. Yes.</p> <p>18 Q. Is there an office there or something like</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. And when you filled out your report, were</p> <p>22 you the only officer involved in the incident who</p> <p>23 was in that room, or were there other officers</p> <p>24 involved who were also there?</p>	<p>28</p> <p>1 floor west holding filling out your report, was</p> <p>2 there anyone else in the office with you besides</p> <p>3 Officer Ivory and Officer Ortiz?</p> <p>4 A. No.</p> <p>5 Q. I want to ask you some questions about the</p> <p>6 January 17, 2014, incident.</p> <p>7 Where were you located within the jail when</p> <p>8 the incident occurred?</p> <p>9 A. I was outside the Tier 2-A.</p> <p>10 Q. Outside Tier 2-A?</p> <p>11 A. Yes.</p> <p>12 Q. And you were assigned to -- where were you</p> <p>13 assigned that day?</p> <p>14 A. My assignment was that tier.</p> <p>15 Q. And outside Tier 2-A, is that where you were</p> <p>16 when Mr. Bolton first arrived at the tier?</p> <p>17 A. Yes. I had stepped out to accept him.</p> <p>18 Q. Stepped out to accept?</p> <p>19 A. The inmate.</p> <p>20 Q. He was being transported over there by</p> <p>21 another officer?</p> <p>22 A. Yes.</p> <p>23 Q. Who was that officer?</p> <p>24 A. Officer Ivory.</p>

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Transcript of Rodrigo Ramos
Conducted on March 22, 2017

8 (29 to 32)

<p>29</p> <p>1 Q. Can you -- it doesn't have to be specific to 2 this incident, but can you walk me through how that 3 transportation process works? I know you said you 4 came out the tier to accept him. Officer Ivory was 5 transporting him. 6 So how does that process work? Is there 7 documentation that gets handed over? Do you know 8 they're on their way previous to them arriving, that 9 kind of thing? 10 A. Officer Ivory called me over the radio that 11 he was approaching with a one-time detainee. The 12 only document that I receive is his ID. 13 Q. The inmate? 14 A. The inmate's ID. 15 Q. And how is it determined what cell the 16 detainee will be placed in?</p>	<p>31</p> <p>1 is that correct? 2 A. That's correct. 3 Q. Do you recall what cell Mr. Bolton was to be 4 placed in? 5 A. Not at this time. 6 Q. When Officer Ivory arrived at the tier with 7 Inmate Bolton, can you -- do you have any memory -- 8 independent memory as you sit here today of what 9 occurred after Officer Ivory brought the inmate to 10 the tier? 11 A. I do. 12 Q. Can you go through that with me? 13 A. Officer Ivory brought me the inmate and told 14 me that he was to enter a cell. I don't remember 15 exactly what number the cell was. But he told me -- 16 I told him that I couldn't place Detainee Bolton 17 into the cell because that cell was used prior to 18 house an inmate that was placed under quarantine. 19 Q. Okay. Then what happened? 20 A. We had a minor discussion. The inmate was 21 stating that he didn't want to enter the tier, that 22 he wanted to speak to a white shirt, which is a 23 sergeant; so then I just told the inmate to relax, 24 just to stand right there. I stepped in to make a</p>
<p>30</p> <p>1 was supposed to be put in? 2 A. I don't recall. 3 Q. I know you testified that one of the ways 4 you can be made aware is if the transporting officer 5 informs you where they're supposed to be placed; is 6 that correct? 7 A. Yes. 8 Q. Another way you can be made aware is if the 9 cell assignment is on the detainee's ID; is that 10 correct? 11 A. Yes. 12 Q. Is there any other way that you can be made 13 aware of what cell the detainee is supposed to be 14 placed in? 15 A. Sure. I could check the computer system. 16 Q. And anything else beyond those three things? 17 A. Classification can call me and tell me. 18 Q. Anything else? 19 A. That's it. 20 Q. As you sit here today, of those four ways 21 that you can be made aware of what cell a detainee 22 is supposed to be placed in, as you sit here today, 23 you do not recall which of those four ways you were 24 informed what cell Mr. Bolton was to be placed in;</p>	<p>32</p> <p>1 phone call to call classification just to verify 2 that he was able to enter that tier or that cell, 3 and it was a verified that he was able to enter that 4 cell. 5 Q. Then what happened? 6 A. After that I stepped out to let everybody 7 know that he was able to enter the cell, at which 8 time the inmate was refusing to enter. He wanted to 9 speak to a sergeant. 10 Q. A minute ago you said that when you informed 11 Officer Ivory that you couldn't place the inmate in 12 that cell because it had been under quarantine, you 13 mentioned that you had a minor discussion. 14 Was that a minor discussion with Mr. Bolton 15 or with Officer Ivory? 16 A. Officer Ivory. 17 Q. Okay. You said that you stepped into the 18 office to call classification? 19 A. I stepped back into my dorm, my tier. 20 Q. Okay. Into the tier? 21 A. To make a phone call. 22 Q. And you called, you said, classification, 23 correct? 24 A. Yeah.</p>

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9 (33 to 36)

<p>33</p> <p>1 Q. Do you recall who you spoke to in 2 classification? 3 A. I do not. 4 Q. And would your call to classification be 5 recorded anywhere? 6 MS. McGRATH: Objection. Form, foundation. 7 A. I have no idea. 8 Q. Is there a log of phone calls? For example, 9 is that something you have to put on a log that you 10 made this call? 11 A. No. 12 Q. How long did the call with classification 13 last? 14 A. I have no idea. I don't remember. 15 Q. And you said you made this call from inside 16 your tier, correct? 17 A. Yes. 18 Q. Have you reviewed video of this incident? 19 A. I have. 20 Q. And when did you review the video? 21 A. The next day. 22 Q. And that was after you had already filled 23 out the use-of-force report? 24 A. Yes.</p>	<p>35</p> <p>1 situation of the video, how he viewed the video. 2 Q. And so you reviewed the video with the 3 superintendent, correct? 4 A. Yes. 5 Q. And while you were reviewing the video, did 6 you make any comment to the superintendent? 7 A. No. 8 Q. Did he ask you any questions? 9 A. I don't recall. 10 Q. Do you recall if he made any statements to 11 you in relation to the incident whatsoever during 12 your review of the video? 13 A. The statement was basically he was just 14 going through the video and what his opinion was of 15 what he saw. 16 Q. And as you sit here today, do you recall 17 what he told you his opinion of the video was? 18 A. No. 19 Q. Do you recall if it differed from your own 20 opinion of what occurred during that incident? 21 A. No. 22 Q. Did the superintendent ask you to change 23 your use-of-force report? 24 A. No.</p>
<p>34</p> <p>1 Q. And why did you review the video the next 2 day? 3 A. I was called to the office by my 4 superintendent to come see the video. 5 Q. Okay. And who was the superintendent? 6 A. Joseph Brown. 7 Q. And did you review the video with any other 8 officer at that time? 9 A. No. 10 Q. And was the superintendent in the room when 11 you reviewed the video? 12 A. Yes. 13 Q. And was it in the superintendent's office 14 that you reviewed it? 15 A. Yes. 16 Q. And did the superintendent ask you any 17 questions prior to reviewing the video? 18 A. No. 19 Q. Did he make any comment to you about the 20 incident whatsoever prior to reviewing the video? 21 A. No. 22 Q. Did he tell you why he wanted you to review 23 the video? 24 A. Just to go over the video and explain the</p>	<p>36</p> <p>1 Q. Did he ask you to change the details of 2 what -- of your version of the incident in any 3 way -- 4 A. No. 5 Q. -- whether it was on the form or not? 6 A. No. 7 Q. Did he ask you any questions after you 8 reviewed the video? 9 A. I don't recall. 10 Q. Do you recall him making any statements to 11 you of any kind in relation to the incident after 12 you viewed the video? 13 A. I don't remember. 14 Q. After you reviewed the video with the 15 superintendent, do you have a recollection of any 16 conversation with the superintendent in relation to 17 that video? 18 A. I did have a conversation. 19 Q. And what did that conversation consist of? 20 A. To be honest, I really don't remember the 21 conversation. 22 Q. And that was that same day? 23 A. Yes. 24 Q. Have you discussed the video with the</p>

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10 (37 to 40)

<p>37</p> <p>1 superintendent at any point after that day?</p> <p>2 A. No.</p> <p>3 Q. What about with anybody -- well, let me ask</p> <p>4 you this first: Have you reviewed the video again</p> <p>5 at any point since the time you reviewed it with the</p> <p>6 superintendent?</p> <p>7 A. No.</p> <p>8 Q. Have you discussed the video with anyone</p> <p>9 since that day that you reviewed it with the</p> <p>10 superintendent?</p> <p>11 A. Yes.</p> <p>12 Q. Who did you discuss the video with?</p> <p>13 A. My commander.</p> <p>14 Q. Who is your commander?</p> <p>15 A. Dominguez, Commander Dominguez.</p> <p>16 Q. Anyone else?</p> <p>17 A. That's it.</p> <p>18 Q. When did you discuss the video with</p> <p>19 Commander Dominguez?</p> <p>20 A. I don't recall the exact date or time frame.</p> <p>21 Q. Well, was it shortly after the incident</p> <p>22 itself or --</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall the conversation that you had</p>	<p>39</p> <p>1 A. I didn't tell him.</p> <p>2 Q. Did you -- beyond telling</p> <p>3 Commander Dominguez that Mr. Bolton had been taken</p> <p>4 to the ground by Officer Ortiz, did you provide any</p> <p>5 other details about Officer Ortiz's actions towards</p> <p>6 Mr. Bolton?</p> <p>7 A. No.</p> <p>8 Q. Did Commander Dominguez ask you about</p> <p>9 whether or not Officer Ortiz had struck Mr. Bolton?</p> <p>10 A. No, because he seen it on the video.</p> <p>11 Q. During the incident itself, did you witness</p> <p>12 Officer Ortiz strike Mr. Bolton?</p> <p>13 A. I did.</p> <p>14 Q. We got off track a little bit. I want to go</p> <p>15 back to you started to describe the incident itself.</p> <p>16 We got to the point where you went back into the</p> <p>17 tier, made a phone call to classification.</p> <p>18 I believe your testimony was that you</p> <p>19 confirmed that the inmate could be placed in that</p> <p>20 cell; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And then you came back out of the tier; is</p> <p>23 that right?</p> <p>24 A. That's correct.</p>
<p>38</p> <p>1 with Commander Dominguez about the video?</p> <p>2 A. I don't recall the conversation.</p> <p>3 Q. Do you recall any of the details of that</p> <p>4 conversation whatsoever?</p> <p>5 A. Yeah. We just talked about the incident</p> <p>6 itself and the -- what was seen on the video and the</p> <p>7 incident itself.</p> <p>8 Q. Okay. Did you bring up the issue, or did</p> <p>9 Commander Dominguez bring it up?</p> <p>10 A. Commander Dominguez.</p> <p>11 Q. And what did Commander Dominguez want to</p> <p>12 know about the video?</p> <p>13 A. He -- I basically -- he basically wanted to</p> <p>14 know what occurred in the situation, what occurred.</p> <p>15 Q. And what did you tell Commander Dominguez?</p> <p>16 A. Exactly what was on my report that I stated</p> <p>17 earlier to you.</p> <p>18 Q. Which was?</p> <p>19 A. That the inmate was refusing housing and</p> <p>20 that another officer got involved, which was</p> <p>21 Officer Ortiz -- got involved, and the inmate was</p> <p>22 taken down to the ground.</p> <p>23 Q. Did you indicate to Commander Dominguez that</p> <p>24 Officer Ortiz punched Mr. Bolton?</p>	<p>40</p> <p>1 Q. And who did you inform that the inmate or</p> <p>2 that Mr. Bolton could be placed in that cell?</p> <p>3 A. The inmate, Ivory, and Ortiz. We were all</p> <p>4 present outside the tier.</p> <p>5 Q. And did Officer Ivory say anything to you at</p> <p>6 that point when you said that the classification had</p> <p>7 confirmed that you could put the inmate in that</p> <p>8 cell?</p> <p>9 A. I don't remember.</p> <p>10 Q. What about Officer Ortiz? Did he say</p> <p>11 anything?</p> <p>12 A. I believe he told the inmate that he</p> <p>13 couldn't refuse because the inmate was continuing to</p> <p>14 refuse. He was asking to speak to a sergeant --</p> <p>15 Q. Okay.</p> <p>16 A. -- at that point.</p> <p>17 Q. Mr. Bolton was asking to speak to a</p> <p>18 sergeant?</p> <p>19 A. Yes.</p> <p>20 Q. And Officer Ortiz told him that he could not</p> <p>21 refuse to go into the cell; is that correct?</p> <p>22 A. I believe -- I don't recall the words. I</p> <p>23 don't recall the statement that was being --</p> <p>24 Q. But in some way he told him that he was</p>

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11 (41 to 44)

<p>41</p> <p>1 going to be put in that cell?</p> <p>2 A. I don't recall.</p> <p>3 Q. Well, I think you indicated a minute ago</p> <p>4 that Officer Ortiz said something about the inmate</p> <p>5 having to go into that cell, so I just -- I'm just</p> <p>6 trying to figure out what exactly it is that you</p> <p>7 remember.</p> <p>8 A. I don't remember the exact words, but I</p> <p>9 believe he was told he couldn't refuse housing.</p> <p>10 Q. And that was from Officer Ortiz?</p> <p>11 A. Yes.</p> <p>12 Q. As part of your assignment that day, was it</p> <p>13 your responsibility to put Mr. Bolton in the cell</p> <p>14 that he was assigned to?</p> <p>15 A. Yes.</p> <p>16 Q. It wasn't Officer Ortiz's assignment; is</p> <p>17 that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. When Mr. Bolton asked to speak to a</p> <p>20 sergeant, whose responsibility was it at that point</p> <p>21 to determine whether or not a sergeant should be</p> <p>22 contacted?</p> <p>23 A. That would be my responsibility.</p> <p>24 Q. And at any point before the incident itself</p>	<p>43</p> <p>1 Q. And, in fact, that's what you planned to do,</p> <p>2 to call the sergeant; is that correct?</p> <p>3 A. I'm assuming at the time, yes.</p> <p>4 Q. When you say you're assuming at the time,</p> <p>5 what do you mean by that?</p> <p>6 A. The way the incident played out, yes, I</p> <p>7 would have called the sergeant.</p> <p>8 Q. And had you been given the opportunity to do</p> <p>9 so without any other officer acting, you would have</p> <p>10 done so; is that fair to say?</p> <p>11 MR. COYNE: Same objection.</p> <p>12 MS. McGRATH: Joined.</p> <p>13 A. That's fair to say, yes.</p> <p>14 Q. After you came out of the tier to indicate</p> <p>15 that classification had cleared the cell, did you</p> <p>16 say anything to Mr. Bolton beyond what you've</p> <p>17 already testified to?</p> <p>18 A. No.</p> <p>19 Q. Did Mr. Bolton say anything to you beyond</p> <p>20 what you've already testified to about asking for a</p> <p>21 sergeant?</p> <p>22 A. No.</p> <p>23 Q. Did Officer Ortiz -- again, this is after</p> <p>24 you've come out of the tier to indicate that</p>
<p>42</p> <p>1 where Officer Ortiz took Mr. Bolton to the ground,</p> <p>2 had you made a decision one way or the other about</p> <p>3 contacting a sergeant?</p> <p>4 A. Yes.</p> <p>5 Q. What decision had you made?</p> <p>6 A. I was going to call the sergeant.</p> <p>7 Q. Fair to say then that Officer Ortiz acted</p> <p>8 before you had an opportunity to call the sergeant?</p> <p>9 A. Yes.</p> <p>10 Q. Fair to say that if left to you, you would</p> <p>11 have attempted to call the sergeant rather than</p> <p>12 attempting to take Mr. Bolton to the ground; is that</p> <p>13 correct?</p> <p>14 MR. COYNE: Objection. Foundation,</p> <p>15 speculation.</p> <p>16 MS. McGRATH: Joined.</p> <p>17 A. Can you ask that again?</p> <p>18 Q. Fair to say that if it was left up to you to</p> <p>19 handle the situation on your own, that you would</p> <p>20 have called the sergeant rather than attempting to</p> <p>21 take Mr. Bolton to the ground based on the situation</p> <p>22 presented to you?</p> <p>23 MR. COYNE: Same objection.</p> <p>24 A. Sure, yes.</p>	<p>44</p> <p>1 classification had cleared the cell.</p> <p>2 Did Officer Ortiz -- beyond what you've</p> <p>3 already testified to, do you recall if Officer Ortiz</p> <p>4 said anything else to Mr. Bolton?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you recall Mr. Bolton saying anything</p> <p>7 else, beyond what you've already testified to, to</p> <p>8 Officer Ortiz?</p> <p>9 A. They had a discussion but I just don't</p> <p>10 recall the exact words of the conversation that they</p> <p>11 had.</p> <p>12 Q. So you recall there being a conversation;</p> <p>13 but as you sit here today, you don't recall the</p> <p>14 content of that conversation; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you recall if Officer Ivory had said</p> <p>17 anything to Mr. Bolton again after you came out of</p> <p>18 the tier and cleared the cell?</p> <p>19 A. I believe he did not.</p> <p>20 Q. And do you recall if Mr. Bolton said</p> <p>21 anything to Officer Ivory at that point?</p> <p>22 A. I have no -- I don't remember.</p> <p>23 Q. So I've gotten to the point where you've</p> <p>24 come out of the cell. You indicated to everyone</p>

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12 (45 to 48)

45	<p>1 that the cell was clear and Mr. Bolton has indicated</p> <p>2 that he still wants a sergeant called and he does</p> <p>3 not want to go into that cell.</p> <p>4 Can you describe to me, based on your memory</p> <p>5 as you sit here today, what happened next?</p> <p>6 A. I'm sorry. Yes. Ortiz went to grab</p> <p>7 Inmate Bolton by the elbow to secure him, and Bolton</p> <p>8 went and threw himself on the floor. That's when</p> <p>9 Ortiz went on top of Bolton. Ivory went to secure</p> <p>10 his legs. I walked around to assist in securing the</p> <p>11 inmate.</p> <p>12 Q. When Mr. Bolton went to the floor, was he on</p> <p>13 his back or his stomach?</p> <p>14 A. His stomach.</p> <p>15 Q. When Mr. Bolton went to the floor, did he</p> <p>16 put his arms behind his back?</p> <p>17 A. No, he did not.</p> <p>18 Q. Well, when you went to handcuff Mr. Bolton,</p> <p>19 did you have to struggle with him to handcuff him?</p> <p>20 A. We did.</p> <p>21 Q. So you said you viewed the video; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. So your testimony as you sit here today is</p>	47	<p>1 Q. When Mr. Bolton was on the ground, did you</p> <p>2 strike him in any way?</p> <p>3 A. No.</p> <p>4 Q. Did Officer Ivory -- based on what you</p> <p>5 witnessed, did Officer Ivory strike Mr. Bolton in</p> <p>6 any way?</p> <p>7 A. No.</p> <p>8 Q. When you were handcuffing Mr. Bolton, did</p> <p>9 you feel like in any way that you needed to strike</p> <p>10 him in order to handcuff him?</p> <p>11 A. No.</p> <p>12 Q. In fact, you were able to handcuff him</p> <p>13 without striking him; isn't that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. The only officer on the scene to strike</p> <p>16 Mr. Bolton was Officer Ortiz; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And your testimony is that you witnessed</p> <p>19 Officer Ortiz striking Mr. Bolton; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. How many times did you see Officer Ortiz hit</p> <p>22 Mr. Bolton?</p> <p>23 A. I don't recall how many times.</p> <p>24 Q. Do you recall whether he hit him with a</p>
46	<p>1 that video will show you struggling with Mr. Bolton</p> <p>2 to handcuff him; is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. But your testimony is that when Mr. Bolton</p> <p>5 went to the ground, he was on his stomach, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. I'm going to ask you a hypothetical. Take</p> <p>8 Officer Ortiz out of the picture altogether.</p> <p>9 Based on everything we've talked about up</p> <p>10 until this point, if, before you had a chance to</p> <p>11 call the sergeant, if Mr. Bolton had just thrown</p> <p>12 himself to the ground on his stomach, would it have</p> <p>13 been an appropriate use of force on your part to</p> <p>14 handcuff Mr. Bolton after he threw himself on the</p> <p>15 ground?</p> <p>16 MR. COYNE: Objection. Form, foundation.</p> <p>17 MS. McGRATH: Same objections. Calls for</p> <p>18 speculation.</p> <p>19 A. Yes.</p> <p>20 Q. It would have, correct? The use-of-force</p> <p>21 training you received as an officer would have</p> <p>22 allowed you to do that, correct?</p> <p>23 MR. COYNE: Same objection.</p> <p>24 A. To handcuff him, yes.</p>	48	<p>1 closed or open fist?</p> <p>2 A. I don't recall.</p> <p>3 Q. And that's -- you've reviewed the video,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Even based on your review of the video, as</p> <p>7 you sit here today, you don't recall; is that</p> <p>8 correct?</p> <p>9 A. I don't remember the video itself right now.</p> <p>10 Q. When you were handcuffing Mr. Bolton, did</p> <p>11 you say anything to him that you can remember?</p> <p>12 A. Yeah. I asked him to give up his hands.</p> <p>13 Q. Okay. Did he say anything to you?</p> <p>14 A. No.</p> <p>15 Q. Do you recall if Officer Ivory said anything</p> <p>16 to Mr. Bolton while you were attempting to handcuff</p> <p>17 him?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you recall -- during the period of time</p> <p>20 that you were attempting to handcuff Mr. Bolton, do</p> <p>21 you recall him saying anything at all during that</p> <p>22 period?</p> <p>23 A. No.</p> <p>24 Q. Do you recall if Officer Ortiz said anything</p>

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13 (49 to 52)

49	51
1 to Mr. Bolton while you were attempting to handcuff	1 A. No.
2 Mr. Bolton?	2 Q. Did you say anything to Officer Ortiz?
3 A. I don't recall.	3 A. No.
4 Q. At a certain point after you -- well, let me	4 Q. Do you recall, during that period of time
5 ask it this way: Did Mr. Bolton ever give up his	5 between sitting him up and placing him against the
6 hands so that you could handcuff him?	6 wall, whether Officer Ortiz said anything at all?
7 MR. COYNE: Objection. Form.	7 A. I do not recall.
8 A. Yes.	8 Q. So it's possible that he did; you just don't
9 Q. Are you able to estimate how long after he	9 remember; is that correct?
10 went to the ground he gave up his hands?	10 A. I don't know. I didn't hear anything.
11 A. Estimate of time? I really don't know how	11 Q. Do you recall how long after you radioed the
12 long it took.	12 sergeant the sergeant arrived on the scene?
13 Q. Would it be fair to say a few seconds?	13 A. Within seconds.
14 A. Sure.	14 Q. When you say within seconds, are you able to
15 Q. Once you had the handcuffs on Mr. Bolton,	15 provide a -- is it 30 seconds, 60 seconds?
16 what happened next?	16 A. Under a minute.
17 A. We sat him up, faced him against the wall,	17 Q. Under a minute. Okay.
18 and I called --	18 When the sergeant arrived on the scene, did
19 Q. Sorry. When you say we, who is we?	19 you speak to the sergeant?
20 A. Ivory, myself, and Ortiz.	20 A. I did.
21 Q. All three of you?	21 Q. And what did you say to the sergeant?
22 A. Yes.	22 A. I explained to the sergeant the situation
23 Q. Okay.	23 that had just happened --
24 A. Sat him up, placed him against the wall.	24 Q. Okay. Can you --
50	52
1 And I believe I notified the sergeant over the	1 A. -- which is the statement that I gave you
2 radio.	2 prior. And I explained the whole situation about
3 Q. Was the first time the sergeant was notified	3 the inmate refusing and we had to place him in
4 of the incident when you made that radio call?	4 handcuffs, that he went to the ground.
5 MS. McGRATH: Objection. Form, foundation.	5 Q. Okay. And did you indicate to the sergeant
6 Q. To your knowledge.	6 at that point that Officer Ortiz had struck
7 A. To my knowledge, yes.	7 Mr. Bolton in any way?
8 Q. And your testimony is that you made that	8 A. I don't recall.
9 radio call to the sergeant after -- immediately	9 Q. So it's possible that you didn't mention
10 after sitting up Mr. Bolton and placing him against	10 that?
11 the wall; is that correct?	11 A. It's possible that I did mention it.
12 A. Yes.	12 Q. I'm sorry. Did you say did?
13 Q. Was his back to the wall or facing the wall?	13 A. Yes.
14 A. Back to the wall.	14 Q. You don't recall whether --
15 Q. When you sat up Mr. Bolton and placed him	15 A. I don't recall, but I'm sure I did mention
16 against the wall, did you say anything to him?	16 something.
17 A. No.	17 Q. About Officer Ortiz striking Mr. Bolton?
18 Q. Do you recall if Officer Ivory said anything	18 A. Yes.
19 to him?	19 MR. COYNE: Can we stick a name on the
20 A. No.	20 sergeant?
21 Q. Do you recall if Officer Ortiz said anything	21 THE WITNESS: Ciukaj.
22 to him?	22 MR. FIELD: He was deposed yesterday. I
23 A. No.	23 didn't call him by his name once because I didn't
24 Q. Did you say anything to Officer Ivory?	24 know how to pronounce it.

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Transcript of Rodrigo Ramos
Conducted on March 22, 2017

14 (53 to 56)

53	<p>1 MR. COYNE: Easy for you to say.</p> <p>2 MS. McGRATH: I know, right?</p> <p>3 BY MR. FIELD:</p> <p>4 Q. Do you recall Sergeant Ciukaj saying</p> <p>5 anything to you after he arrived on the scene?</p> <p>6 A. I don't remember the words.</p> <p>7 Q. Okay. But he said something; you just don't</p> <p>8 recall, correct?</p> <p>9 A. Correct.</p> <p>10 Q. What happened after the sergeant arrived on</p> <p>11 the scene beyond you speaking with him, to the best</p> <p>12 of your recollection?</p> <p>13 A. I don't recall. I know the inmate was taken</p> <p>14 down to receive medical attention, which is</p> <p>15 protocol. And that's pretty much all I remember.</p> <p>16 Q. Do you recall if at any time the sergeant</p> <p>17 did a video-recorded interview with Mr. Bolton?</p> <p>18 A. I wasn't present if he did.</p> <p>19 Q. For how long were you present outside the</p> <p>20 tier after the sergeant got there?</p> <p>21 A. Two minutes.</p> <p>22 Q. When you left, had Mr. Bolton already been</p> <p>23 taken to medical?</p> <p>24 A. I don't know.</p>	55	<p>1 incident with Mr. Bolton; is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And your testimony earlier was that you</p> <p>4 filled this out the day of the incident, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And that you did not review the video prior</p> <p>7 to filling this out, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Your testimony earlier was that you didn't</p> <p>10 review the video because you had witnessed the</p> <p>11 incident such that you did not need to review the</p> <p>12 video; is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. I'm going to ask you some questions about</p> <p>15 the narrative portion on page 21.</p> <p>16 Do you want a minute to review it?</p> <p>17 A. No, that's fine.</p> <p>18 Q. You do not indicate in the narrative that</p> <p>19 the cell that you were going to put Mr. Bolton in</p> <p>20 was -- that you initially believed it was under</p> <p>21 quarantine; is that correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Why didn't you put that in the narrative?</p> <p>24 A. I don't know, to be honest.</p>
54	<p>1 Q. Once -- after the two minutes or however --</p> <p>2 whatever amount of time you were there, did you go</p> <p>3 back into Tier 2-A? Is that correct? Or where did</p> <p>4 you go from there?</p> <p>5 A. Yeah, I believe I went back to the tier.</p> <p>6 Q. As you sit here today, you don't -- your</p> <p>7 recollection is that Mr. Bolton was not interviewed</p> <p>8 on camera while you were present on the scene; is</p> <p>9 that correct?</p> <p>10 A. That is correct.</p> <p>11 Q. At any point after the incident itself, did</p> <p>12 you have a conversation with Officer Ortiz about the</p> <p>13 incident?</p> <p>14 A. No.</p> <p>15 (Group Exhibit 1 was marked for</p> <p>16 identification and was retained by counsel.)</p> <p>17 Q. I'm going to ask you to look at what's</p> <p>18 marked as Group Exhibit 1 there. That's the top</p> <p>19 one. Page numbers are at the bottom of the page</p> <p>20 starting with 0001. I'm going to ask you to look at</p> <p>21 page 20. It's actually 20 and 21. You can take</p> <p>22 that clip off if you want.</p> <p>23 This is the "Response to Resistance Use of</p> <p>24 Force" form that you filled out in relation to the</p>	56	<p>1 Q. And you don't indicate in your narrative</p> <p>2 that you checked with classification and that the</p> <p>3 cell turned out to be cleared; is that correct?</p> <p>4 A. That is correct.</p> <p>5 Q. And why didn't you include that in the</p> <p>6 narrative?</p> <p>7 A. I have no idea, to be honest.</p> <p>8 Q. You did not include in your narrative the</p> <p>9 fact that Officer Ortiz struck Mr. Bolton; is that</p> <p>10 correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And why didn't you include that in your</p> <p>13 narrative?</p> <p>14 A. Because in my use-of-force report, I only</p> <p>15 put what I did, what actions I took and what I did.</p> <p>16 It's never about what somebody else did in the</p> <p>17 report.</p> <p>18 Q. Your testimony is that when you fill out a</p> <p>19 use-of-force incident report, you're only to</p> <p>20 describe the actions that you took and not what</p> <p>21 actions were taken by other officers?</p> <p>22 A. That is correct.</p> <p>23 Q. And is it your understanding of the jail's</p> <p>24 policy that that's how you're supposed to fill out</p>

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15 (57 to 60)

<p>57</p> <p>1 these forms?</p> <p>2 A. That's how they used to be, yes.</p> <p>3 Q. When you say how they used to be, what do</p> <p>4 you mean?</p> <p>5 A. When we first started -- they changed the</p> <p>6 policy and the method of how we do reports. Before</p> <p>7 they were done on paper, and it was always what</p> <p>8 action you did or what actions you did. Now it's</p> <p>9 based on what you see and what actions you took.</p> <p>10 Q. So you're saying under the current policy,</p> <p>11 you would have been required to put in your</p> <p>12 narrative that Officer Ortiz had struck Mr. Bolton;</p> <p>13 is that correct?</p> <p>14 A. If I witnessed it, yes.</p> <p>15 Q. But your understanding of the policy at the</p> <p>16 time was that you did not have to include that?</p> <p>17 A. Yes.</p> <p>18 Q. I'm going to ask you to look at the second</p> <p>19 packet there, Group exhibit No. 2.</p> <p>20 (Group Exhibit 2 was marked for</p> <p>21 identification and was retained by counsel.)</p> <p>22 Q. It's on -- well, starting on page five of</p> <p>23 that packet, that is a Sheriff's Office General</p> <p>24 Order on reporting incidents, correct?</p>	<p>59</p> <p>1 to you from this policy in 2011, your understanding</p> <p>2 is that it didn't require you to document everything</p> <p>3 that you witnessed in terms of that incident?</p> <p>4 A. I'm sorry. Can you repeat that?</p> <p>5 Q. Sure. I'm trying to figure out what your</p> <p>6 understanding of this 2011 policy was.</p> <p>7 The language that I just read to you, is it</p> <p>8 your understanding that this does not require you to</p> <p>9 indicate in your use-of-force report everything that</p> <p>10 you witnessed in relation to that use of force?</p> <p>11 MR. COYNE: Objection. Form, as to</p> <p>12 "everything."</p> <p>13 MS. McGRATH: Same, and foundation.</p> <p>14 A. I mean, I stated the events as I saw them.</p> <p>15 Q. Okay. But you indicated --</p> <p>16 A. Or I stated the events as what I did.</p> <p>17 Q. Okay. And so is your understanding of this</p> <p>18 policy as it's written here that you only have to</p> <p>19 include the details of the event in terms of what</p> <p>20 your own actions were?</p> <p>21 A. That's how I read the report, yes.</p> <p>22 Q. Read this policy?</p> <p>23 A. Yes.</p> <p>24 Q. Can I ask you to turn to page 204 of that</p>
<p>58</p> <p>1 A. Yes.</p> <p>2 Q. And this was issued on the 30th of</p> <p>3 June 2011, correct?</p> <p>4 A. That's what it states, yes.</p> <p>5 Q. So it would have been -- this would have</p> <p>6 been issued previous to the incident with</p> <p>7 Mr. Bolton, correct?</p> <p>8 A. Yes.</p> <p>9 Q. If you can turn to page nine, do you see</p> <p>10 letter F on page nine, general reporting guidelines?</p> <p>11 A. Yes.</p> <p>12 Q. Number two indicates that complete and</p> <p>13 accurate documentation of events and incidents</p> <p>14 within CC DOC facilities and other sites are</p> <p>15 essential.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Based on the language in the policy that</p> <p>19 I've just cited to you, is it your testimony as you</p> <p>20 sit here today that your use-of-force report, as it</p> <p>21 pertains to the incident with Mr. Bolton, meets that</p> <p>22 policy?</p> <p>23 A. As far as what I did, yes.</p> <p>24 Q. And your understanding of what I just read</p>	<p>60</p> <p>1 same packet? This is a Sheriff's Office Cook County</p> <p>2 Sheriff's Order, Response to Resistance Use of</p> <p>3 Force, duties, notifications, and reporting</p> <p>4 procedures; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. This indicates this document was issued in</p> <p>7 May of 2011; is that correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And that it was effective in September of</p> <p>10 2011, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Earlier in the deposition when I asked you</p> <p>13 about your use-of-force training --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- is this the policy you were trained on at</p> <p>16 those annual trainings?</p> <p>17 A. It's part of it, yes.</p> <p>18 Q. Can you turn to page 211 of that packet? At</p> <p>19 the top of the page, the first full sentence reads,</p> <p>20 All reports must, then it says letter A, be written</p> <p>21 in specific terms in order to capture the details of</p> <p>22 the incident; B, contain an accurate account of the</p> <p>23 events leading to the use of force; C, include an</p> <p>24 description of the instrument of restraint or</p>

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Conducted on March 22, 2017

16 (61 to 64)

<p>61</p> <p>1 control, if any, and the manner in which it was 2 used; describe the nature and extent of the apparent 3 and reported injuries; letter F is describe in 4 detail the type and amount of force used, as well as 5 the precise actions taken in a particular incident. 6 Do you see that? 7 A. Yes. 8 Q. Based on what you see written here in this 9 policy, is it your testimony as you sit here today 10 that the use-of-force report that you filled out in 11 relation to the incident with Mr. Bolton is in line 12 with this policy or meets this policy? 13 MR. COYNE: Objection. Form, foundation. 14 MS. McGRATH: Joined. 15 A. Yes. It -- it -- I'm sorry. 16 Q. Go ahead. 17 A. It says describe in detail the type and 18 amount of force used, as well as precise actions 19 taken. My report states the exact actions that I 20 took in the report. 21 Q. That you, yourself, took; is that correct? 22 A. Yes. 23 Q. It also reads that it should be written in 24 specific terms in order to capture the details of</p>	<p>63</p> <p>1 document at that time? 2 A. Yes. They were investigating the incident. 3 Q. Okay. And so who showed you this document? 4 A. OPR. 5 Q. And what did they ask you about the 6 document, if anything? 7 A. The document -- this document right here, 8 it's a statement that I made to OPR stating what 9 occurred on that day, the day of the incident, of 10 the initial incident. 11 Q. I just want to make sure that we're on the 12 same page. 13 So when you say you saw this over a year 14 ago, are you saying that's when you gave the 15 statement or when you saw the document as it's 16 written here? 17 A. This is the statement I gave to OPR. 18 Q. Okay. So my question is -- I'm sorry. I 19 probably didn't ask the question very well. 20 When you said you saw this document -- 21 A. Oh, okay. I'm sorry. 22 Q. -- did you see the document with your 23 statement on it, or was that the time you gave the 24 statement?</p>
<p>62</p> <p>1 the incident. 2 Is it your understanding that your 3 use-of-force report accurately captures the details 4 of the incident that day? 5 A. Based on what I did, yes. 6 Q. Okay. But -- okay. Sure. 7 And is it your testimony as you sit here 8 today that your use-of-force report that you filled 9 out in relation to the Mr. Bolton incident contains 10 an accurate account of the events leading up to the 11 use of force? 12 A. Yes. 13 Q. Can you turn to page 135 of the first 14 packet? Not this one. Thank you. That's Group 15 Exhibit 1, just for the record. 16 MS. McGRATH: 135? 17 MR. FIELD: Yes, 135. 18 Q. Have you seen this document before? 19 A. Yes. 20 Q. When did you see this document? 21 A. Over a year ago. I don't recall the exact 22 date. 23 Q. And do you recall what the context was or 24 what the reason was for you being shown this</p>	<p>64</p> <p>1 A. This is the time I gave the statement right 2 here. 3 Q. After you gave the statement, were you shown 4 this description of your interview with OPR? 5 A. I don't recall. 6 Q. I just want to be clear. 7 A. Prior to today I had seen this report. I 8 don't recall exactly when I seen this report, but I 9 have seen this report. 10 Q. With the description -- 11 A. Yes. 12 Q. -- as it is written here -- 13 A. Yes. 14 Q. -- is that correct? 15 Do you recall why you were shown the report 16 as it's written here? 17 A. I don't recall. 18 Q. Do you recall who showed you the report? 19 Was it OPR? 20 A. I don't recall. I think I received a copy 21 of it. I don't recall who gave me a copy of it. 22 Any statement that we have, they always give us a 23 copy of it, so I don't know exactly who gave me the 24 copy of it.</p>

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Conducted on March 22, 2017

17 (65 to 68)

<p>65</p> <p>1 Q. And when they gave you a copy, what is the</p> <p>2 purpose of them giving you a copy?</p> <p>3 MS. McGRATH: Objection. Form, foundation.</p> <p>4 Q. To your knowledge.</p> <p>5 A. You have a right to have a copy of all your</p> <p>6 documents.</p> <p>7 Q. And did you review the document when you</p> <p>8 were given a copy?</p> <p>9 A. I don't recall.</p> <p>10 Q. Have you received printed statements of your</p> <p>11 own like this before from OPR in relation to other</p> <p>12 cases?</p> <p>13 A. I never received anything from OPR besides</p> <p>14 this.</p> <p>15 Q. This one form?</p> <p>16 A. Yes.</p> <p>17 Q. And --</p> <p>18 A. I never had any interaction with OPR.</p> <p>19 Q. Okay. Well, you were interviewed by OPR,</p> <p>20 right?</p> <p>21 A. Yes, on this occasion.</p> <p>22 Q. Other than that, you're saying you've had no</p> <p>23 other interaction with them; is that correct?</p> <p>24 A. Yes, that's correct.</p>	<p>67</p> <p>1 A. I believe it's not important.</p> <p>2 Q. It's not important?</p> <p>3 A. Uh-uh.</p> <p>4 Q. Why is that?</p> <p>5 A. Because it's a common habit that we</p> <p>6 always -- it's not a habit that we verify cell</p> <p>7 statements -- cell rooms with classification, so I</p> <p>8 didn't see a need to put it in there.</p> <p>9 Q. This statement indicates that you told the</p> <p>10 OPR investigator that you witnessed Officer Ortiz</p> <p>11 hitting Detainee Bolton; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Do you recall if that was in response to a</p> <p>14 direct question, or were you just describing the</p> <p>15 incident?</p> <p>16 A. I don't recall.</p> <p>17 Q. As you sit here today, do you have any</p> <p>18 independent memory of this interview with OPR that</p> <p>19 was conducted on February 19, 2015?</p> <p>20 A. No.</p> <p>21 Q. You don't recall the questions that were</p> <p>22 asked?</p> <p>23 A. I do not.</p> <p>24 Q. And you don't recall the responses that you</p>
<p>66</p> <p>1 Q. When you received a copy of this, did you</p> <p>2 review it, do you recall as you sit here today?</p> <p>3 A. I'm sure I did, yes.</p> <p>4 Q. And if there was something in the statement</p> <p>5 that was not accurate, would you have reported that?</p> <p>6 A. Sure.</p> <p>7 Q. So as you sit here today, is it your</p> <p>8 testimony that the statement as it is included here</p> <p>9 is an accurate description of the statement that you</p> <p>10 provided to OPR, it says here, on February 19th,</p> <p>11 2015?</p> <p>12 A. I would say it's correct, yes.</p> <p>13 Q. During the interview with OPR, did you</p> <p>14 indicate to OPR that you had checked with</p> <p>15 classification to determine whether or not the cell</p> <p>16 had been cleared?</p> <p>17 A. I cannot recall.</p> <p>18 Q. That information is not contained in this</p> <p>19 statement; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. Would you agree with me that that is an</p> <p>22 important piece of information as it relates to this</p> <p>23 incident?</p> <p>24 MS. McGRATH: Objection. Form, foundation.</p>	<p>68</p> <p>1 gave?</p> <p>2 A. No.</p> <p>3 Q. But you have no reason to believe that the</p> <p>4 statement as it's written here is inaccurate in any</p> <p>5 way; is that correct?</p> <p>6 A. No, that's correct.</p> <p>7 Q. I'm going to have you go back to your</p> <p>8 use-of-force report, which is page 21 and 22 --</p> <p>9 sorry -- 20 and 21 of Group Exhibit 1. My questions</p> <p>10 are for that first page, page 20.</p> <p>11 You indicated at the bottom of that page --</p> <p>12 A. I'm sorry. Am I looking at the right one?</p> <p>13 Q. Page 20.</p> <p>14 A. I might have messed up my exhibit.</p> <p>15 Q. You're looking at your first page of</p> <p>16 response-to-use-of-force form in relation to the</p> <p>17 Bolton incident, correct?</p> <p>18 A. Uh-huh.</p> <p>19 Q. On the bottom of that page, you've checked</p> <p>20 off two boxes; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. One is diffuse pressure, strike, stun; and</p> <p>23 the other one is takedown emergency handcuffing; is</p> <p>24 that correct?</p>

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18 (69 to 72)

69	71
1 A. Is it under -- I'm sorry -- moving resister?	1 speculation.
2 Q. Yes. Those are the two boxes you checked	2 Q. Well, they're your forms. You know what
3 off, the top two boxes, diffuse pressure, strike,	3 boxes you checked off. I'm asking if you have any
4 stun, and takedown emergency handcuffing?	4 memory of not checking off that box on any
5 MR. COYNE: Which one are you on?	5 use-of-force form.
6 THE WITNESS: Am I looking at the right one?	6 A. I can't recall.
7 MS. McGRATH: It's right there.	7 Q. You can't recall?
8 THE WITNESS: I was looking at this one.	8 A. I've done so many reports, I can't recall.
9 MS. McGRATH: Second moving resister box.	9 Q. Okay. Under the, I guess it's Box 41, risk
10 MR. FIELD: Sorry.	10 factors, do you see that? You checked off gender,
11 BY MR. FIELD:	11 age, physical attributes of subject?
12 Q. Do you see that now?	12 Sorry. It's right here.
13 A. Yes.	13 A. Yes.
14 Q. You checked those boxes off based on your	14 Q. You checked -- you ticked the boxes for
15 actions during the incident; is that correct?	15 gender, age, physical attributes of subject, and
16 A. Yes.	16 apparent physical ability of the subject; is that
17 Q. So that doesn't relate to any actions taken	17 correct?
18 by any other officer at the scene; is that correct?	18 A. Yes.
19 A. That is correct.	19 Q. As you sit here today, can you tell me what
20 Q. You indicated under assailant low level, the	20 it was about Mr. Bolton that prompted you to check
21 first assailant low-level box, imminent threat of	21 off those two boxes?
22 battery.	22 A. Well, the gender, age, and physical
23 Do you see that?	23 attributes is because of his -- he's a male subject,
24 A. Yes.	24 young. He's considered strong, active.
70	72
1 Q. Can you explain to me what factors in terms	1 Q. When you say he's considered strong, active,
2 of Mr. Bolton's behavior during the incident led you	2 what is that based on?
3 to tick off the imminent-threat-of-battery box?	3 A. His features, the way an inmate looks.
4 A. He was moving around, not giving up his	4 Q. I guess what I'm wondering is, is it based
5 hands. So if there's any struggle trying to get	5 on your subjective assessment, or is there some sort
6 control of an inmate, it's considered immediate	6 of --
7 threat of battery, there's a chance of receiving a	7 A. Just my assessment.
8 battery.	8 Q. And what about the apparent physical ability
9 Q. But your testimony was that when he went to	9 of the subject, is that, again, based on your
10 the ground, he was on his stomach, correct?	10 assessment?
11 A. That is correct.	11 A. Yes.
12 Q. But your testimony is because he didn't	12 Q. And I know you said that you filled out a
13 immediately give up his hands, that is an automatic	13 lot of these forms before.
14 potential for an imminent threat of battery; is that	14 Have you filled out one of these forms in
15 correct?	15 the past where you did not check off both of those
16 A. That is correct.	16 boxes, the gender, age, physical attributes of
17 Q. You -- well, let me ask you this question:	17 subject, and the apparent physical ability of the
18 You said you filled out 30 or 40 of these forms in	18 subject? Do you recall?
19 the past, correct?	19 A. I can't recall.
20 A. Yes.	20 Q. Do you know if the use-of-force report forms
21 Q. Have you ever filled out a "Response to	21 that you fill out are put in your employee file?
22 Resistance Use of Force" form where you did not	22 A. I'm sure they are.
23 check off that it was an imminent threat of battery?	23 Q. Can you look at page 34 of the same Group
24 MS. McGRATH: Objection. Calls for	24 Exhibit 1? This is an incident report related to

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19 (73 to 76)

73

1

the incident with Mr. Bolton; is that correct?

2

A. That is correct.

3

Q. Under reporting officer, it says R. Ramos.

4

Is that you? Were you the reporting officer for

5

this incident?

6

THE WITNESS: Am I looking at the right one?

7

MS. McGRATH: No, you're not. Which one are

8

you in?

9

MR. FIELD: He might be in the second.

10

THE WITNESS: Sorry. I was looking at the

11

wrong one.

12

BY MR. FIELD:

13

Q. So you're on page 34 now?

14

A. Yes.

15

Q. It's an incident report related to the

16

incident with Mr. Bolton, correct?

17

A. Yes.

18

Q. Under reporting officer, is that your name?

19

A. Yes.

20

Q. So you were the one who completed this

21

incident report?

22

A. The incident.

23

Q. The assessment part is filled out by

24

somebody else?

74

1

A. That is by the sergeant.

2

Q. The incident report, even at the time of the

3

incident with Mr. Bolton, that was an electronic

4

form? You filled this out electronically?

5

A. No, this is all paper. I did it on paper.

6

I did not do it electronic.

7

Q. You filled out a form by hand, and then it

8

got typed up like this?

9

A. Yes.

10

Q. The incident report that you filled out by

11

hand, that's a separate document from the

12

use-of-force report; is that correct?

13

A. I only did a use-of-force report. I never

14

wrote an incident report. I don't recall writing an

15

incident report.

16

Q. So I'm just -- I thought you testified a

17

moment ago that the incident portion of this was

18

something that was filled out by you.

19

A. The incident part is my statement, yes. I

20

didn't type this up.

21

Q. Somebody else -- your testimony --

22

A. This was done by a sergeant. The incident

23

report was written by a sergeant. That's the way it

24

was done back in the day.

75

1

Q. I see. The incident portion would have

2

been -- your testimony is it was taken from the

3

statement you gave in your use-of-force report?

4

A. That is correct.

5

Q. So you didn't actually enter any of this

6

information?

7

A. No.

8

Q. That would have been done by the sergeant?

9

A. Yes.

10

Q. And so when it lists you as the reporting

11

officer, is that because you were the one who called

12

in the incident to the sergeant?

13

A. That is correct.

14

Q. I'm going to ask you to look at the second

15

packet again, Group Exhibit 2, page 14. This is a

16

Sheriff's Office General Order in relation to

17

use-of-force alert and early intervention.

18

Do you see that?

19

A. Yes.

20

Q. Is this a policy that you've seen before?

21

A. I have.

22

Q. I asked you some questions earlier, and I

23

think it's maybe because I didn't use the proper

24

name.

76

1

I'm wondering if you have knowledge of this

2

early-intervention program.

3

A. I do.

4

Q. And what is your understanding of the

5

early-intervention program?

6

A. The way it is, is -- I'm sorry. I'm just

7

going to read it.

8

Q. Okay.

9

A. My understanding of the use-of-force early

10

intervention is to prevent us from doing anything --

11

as far as I know of, is to know how to handle a

12

situation.

13

Q. I asked you this at the beginning, but just

14

to be clear in case I was mistaken in how I called

15

the program, you, yourself, as a corrections officer

16

have never been placed in the early-intervention

17

program; is that correct?

18

A. That is correct.

19

Q. I don't remember if I asked you this. I

20

probably did, but I'm sorry if I did.

21

The number of -- how many use-of-force

22

incidents do you have on your disciplinary record?

23

MS. McGRATH: Objection. Form, foundation.

24

A. I have anywhere from 30 to 40 use of forces.

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20 (77 to 80)

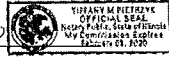
<p>77</p> <p>1 Q. And how many of those were sustained?</p> <p>2 A. I have no idea.</p> <p>3 Q. Well, have you ever --</p> <p>4 MS. McGRATH: Can we -- this is a</p> <p>5 misunderstanding. The use-of-force reports are just</p> <p>6 reports of use of force. You're asking as if it's a</p> <p>7 grievance?</p> <p>8 MR. FIELD: Sorry.</p> <p>9 BY MR. FIELD:</p> <p>10 Q. I'm asking -- I'm not asking how many</p> <p>11 use-of-force reports you've filled out. I'm asking</p> <p>12 how many use-of-force reports complaints have ever</p> <p>13 been made against you.</p> <p>14 A. None.</p> <p>15 Q. I thought that's what you said.</p> <p>16 A. I thought that's what I said earlier too.</p> <p>17 MS. McGRATH: He was listening better than</p> <p>18 we were.</p> <p>19 Q. You haven't had any use-of-force complaints</p> <p>20 against you in the four years?</p> <p>21 A. That's correct.</p> <p>22 Q. You've never been put in the</p> <p>23 early-intervention program?</p> <p>24 A. No, I have not.</p>	<p>79</p> <p>1 that the word "had" was used when you described --</p> <p>2 when you made the description to</p> <p>3 Investigator Montanez that caused her to create that</p> <p>4 sentence?</p> <p>5 MR. FIELD: Object to vague, but go ahead.</p> <p>6 A. I'm sorry. Ask that question again.</p> <p>7 Q. Yeah, I can rephrase it.</p> <p>8 The phrase "his hands and they -- to use</p> <p>9 force to grab his hands," that sentence doesn't make</p> <p>10 any sense to me.</p> <p>11 A. That is correct.</p> <p>12 Q. I'm asking you if you believe it's more</p> <p>13 likely than not, when you relayed your narrative to</p> <p>14 them, that you stated you had to use force to grab</p> <p>15 his hands?</p> <p>16 A. That is correct.</p> <p>17 Q. Did you use the word "they" meaning you,</p> <p>18 Officer Ortiz, and Officer Ivory?</p> <p>19 A. I would say us, yes.</p> <p>20 Q. So the word "they," to the best of your</p> <p>21 knowledge, includes not only you, but Officer Ortiz</p> <p>22 and Officer Ivory; is that correct?</p> <p>23 MR. FIELD: Object to foundation.</p> <p>24 A. Yes.</p>
<p>78</p> <p>1 Q. Do you have any knowledge as you sit here</p> <p>2 today the number of use-of-force complaints you must</p> <p>3 have against you to be recommended for this program?</p> <p>4 A. I have no idea.</p> <p>5 MR. FIELD: I don't have any other</p> <p>6 questions. Thank you, Officer.</p> <p>7 CROSS-EXAMINATION</p> <p>8 BY MR. COYNE:</p> <p>9 Q. Officer, do you know why Mr. Bolton was sent</p> <p>10 for a psychological evaluation?</p> <p>11 A. It's protocol.</p> <p>12 Q. It happens in every instance?</p> <p>13 A. Yes.</p> <p>14 Q. If you could turn your attention to page</p> <p>15 135, Exhibit 1, Group Exhibit 1? Do you have that</p> <p>16 in front of you?</p> <p>17 A. Yes.</p> <p>18 Q. Could you look at the bottom of the second</p> <p>19 paragraph?</p> <p>20 A. Okay.</p> <p>21 Q. The second-last sentence says, CO Ramos</p> <p>22 stated Detainee Bolton was ordered to release his</p> <p>23 hands and they -- to use force to grab his hands.</p> <p>24 Do you believe it's more likely than not</p>	<p>80</p> <p>1 Q. Do you believe that that is the correct way</p> <p>2 to interpret the sentence that I just read to you?</p> <p>3 A. Yes.</p> <p>4 Q. You testified that at one point</p> <p>5 Officer Ortiz struck Mr. Bolton, true?</p> <p>6 A. I believe that he did strike him, yes.</p> <p>7 Q. You also testified that there was some</p> <p>8 resistance in your efforts to handcuff Mr. Bolton,</p> <p>9 true?</p> <p>10 A. Yes.</p> <p>11 Q. There did come a time, though, when you</p> <p>12 successfully handcuffed Mr. Bolton, true?</p> <p>13 A. That's correct.</p> <p>14 Q. Is it fair to say that Officer Ortiz did not</p> <p>15 strike Mr. Bolton at any time after he was</p> <p>16 successfully handcuffed?</p> <p>17 A. That is correct.</p> <p>18 Q. And at the time Officer Ortiz was striking</p> <p>19 Mr. Bolton, that happened to be at the same time</p> <p>20 that both you and Officer Ivory were attempting to</p> <p>21 subdue Mr. Bolton; is that true?</p> <p>22 A. It was prior.</p> <p>23 Q. Did Officer Ortiz strike Mr. Bolton at any</p> <p>24 time during the point at which you were trying to</p>

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21 (81 to 84)

81	<p>1 subdue Mr. Bolton?</p> <p>2 A. No.</p> <p>3 Q. In any case, once he was handcuffed, once</p> <p>4 Mr. Bolton was handcuffed, Officer Ortiz never</p> <p>5 struck him again?</p> <p>6 A. That is correct.</p> <p>7 Q. Did Officer Ortiz ever slam Mr. Bolton's</p> <p>8 head into the ground?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Did he ever, in any way, take any physical</p> <p>11 actions, the consequence of which was to strike his</p> <p>12 head to the ground?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. Are you aware of any effort made by</p> <p>15 Officer Ortiz to delay Mr. Bolton from filing his</p> <p>16 civil lawsuit?</p> <p>17 A. No.</p> <p>18 MR. FIELD: Object to foundation.</p> <p>19 Q. Are you aware of any effort made by anyone</p> <p>20 to cause Mr. Bolton delay in filing his civil</p> <p>21 lawsuit?</p> <p>22 A. Not to my knowledge.</p> <p>23 MR. FIELD: Same objection.</p> <p>24 Q. Are you aware of any effort made by</p>	83	<p>1 THE WITNESS: Waived.</p> <p>2 MS. REPORTER: Do you need this typed up?</p> <p>3 MR. FIELD: Going to hold off for now.</p> <p>4 FURTHER DEPONENT SAITH NOT.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
82	<p>1 Officer Ortiz to prevent Mr. Bolton from filing his</p> <p>2 civil lawsuit?</p> <p>3 A. Not to my knowledge.</p> <p>4 MR. FIELD: Same objection.</p> <p>5 Q. Are you aware of any effort by anyone at all</p> <p>6 to prevent Mr. Bolton from filing his civil lawsuit?</p> <p>7 A. Not to my knowledge.</p> <p>8 MR. FIELD: Same objection.</p> <p>9 Q. Are you aware of any threat or promise made</p> <p>10 to Mr. Bolton that had anything to do with his</p> <p>11 timely filing his civil lawsuit?</p> <p>12 A. Not to my knowledge.</p> <p>13 MR. FIELD: Same objection.</p> <p>14 Q. Are you aware of any statement or effort</p> <p>15 made by anyone whose purpose or effect was to delay</p> <p>16 Mr. Bolton from timely filing his civil lawsuit?</p> <p>17 A. Not to my knowledge.</p> <p>18 MR. COYNE: Nothing further. Thanks,</p> <p>19 Officer.</p> <p>20 MS. McGRATH: I don't have anything.</p> <p>21 MR. FIELD: Thank you for your time. Much</p> <p>22 appreciated.</p> <p>23 THE WITNESS: No problem.</p> <p>24 (Discussion had off the record.)</p>	84	<p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</p> <p>2</p> <p>3 I, Tiffany M. Pietrzyk, CSR RPR, the officer</p> <p>4 before whom the foregoing deposition was taken, do</p> <p>5 hereby certify that the foregoing transcript is a</p> <p>6 true and correct record of the testimony given; that</p> <p>7 said testimony was taken by me stenographically and</p> <p>8 thereafter reduced to typewriting under my</p> <p>9 direction; that reading and signing was not</p> <p>10 requested; and that I am neither counsel for,</p> <p>11 related to, nor employed by any of the parties to</p> <p>12 this case and have no interest, financial or</p> <p>13 otherwise, in its outcome.</p> <p>14</p> <p>15 IN WITNESS WHEREOF, I have hereunto set my</p> <p>16 hand and affixed my notarial seal this 13th day of</p> <p>17 July, 2017.</p> <p>18</p> <p>19 My commission expires:</p> <p>20</p> <p>21</p> <p>22 <i>Tiffany M. Pietrzyk</i> </p> <p>23</p> <p>24</p>

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